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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2001 Assembly Bill 672</b>	<b>Assembly Substitute Amendment 1</b>
Memo published: February 27, 2002      Contact: Mary Matthias, Senior Staff Attorney (266-0932)	

### **2001 ASSEMBLY BILL 672**

**2001 Assembly Bill 672** contains the following provisions related to prescription drugs used to treat attention deficit hyperactivity disorder (ADHD):

#### **Department of Health and Family Services**

The bill requires the Department of Health and Family Services (DHFS) to do all of the following:

Prepare informational materials about the assessment and treatment of ADHD, including:

- A summary of the practice parameters for the assessment and treatment of children and adolescents with ADHD published by the American Academy of Child and Adolescent Psychiatry;
- A statement that the parent or guardian may seek treatment other than prescription drugs for a child with ADHD.

Prepare materials containing the following information for each Schedule II controlled substance that is routinely prescribed by physicians to treat ADHD in children:

- A statement that the substance is a Schedule II controlled substance.
- A summary of the information included in the federally required labeling of the substance which pertains to its safety and effectiveness when used to treat ADHD in children.

- A statement that use of a Schedule II controlled substance to treat ADHD may affect a person's eligibility to certain U.S. Armed Forces, if DHFS so finds.
- A statement that the use of a Schedule II controlled substance to treat ADHD may affect the cost of a person's health insurance.

The bill requires DHFS to make the materials available to physicians and the public on its website and, upon request, to provide printed copies of the materials to physicians.

### **Physicians**

The bill requires a physician who diagnoses a child with ADHD and prescribes any medication for its treatment to provide all of the following to the parent or guardian of the child or other adult with the child, and to the child if the child is 14 years old or older:

- An explanation of the method of diagnosis used, including the results of any tests or evaluations.
- Information on alternative modes of treatment.
- A printed copy of the informational materials pertaining to the assessment and treatment of ADHD prepared by DHFS.

In addition, if the prescribed medication is a Schedule II controlled substance, the physician must also provide a printed copy of any materials pertaining to the substance which have been prepared by DHFS.

The physician must obtain written certification from the parent or guardian of the child, or the adult to whom the information is provided, that the physician has provided all of the required information. The bill provides that an allegation that a physician has failed to provide the required information or obtain the required certification is an allegation of unprofessional conduct.

### **Department of Public Instruction**

The bill requires the Department of Public Instruction (DPI) to disseminate the informational materials prepared by DHFS to appropriate public school staff.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

**Assembly Substitute Amendment 1** deletes or revises various provisions of the bill. Specifically, the substitute amendment makes the following changes:

### **DHFS**

The substitute amendment deletes from the bill all of the following:

- The requirement for DHFS to prepare informational materials about the assessment and

treatment of ADHD.

- The requirement for DHFS to include in its informational materials regarding Schedule II controlled substances the statements that use of a Schedule II controlled substance to treat ADHD may affect a person's eligibility to certain U.S. Armed Forces and the cost of their health insurance.
- The requirement for DHFS to "summarize" the information included in the federally required labeling of the substance. Instead, the substitute amendment simply requires DHFS to "include" the information.

As a result of these changes, under the substitute amendment, the sole requirement for DHFS is to prepare materials which contain the following information regarding Schedule II controlled substances that are commonly prescribed to treat ADHD in children:

- A statement that the substance is a Schedule II controlled substance.
- The information included in the federally required labeling of the substance.

### **Physicians**

The substitute amendment deletes from the bill all of the following:

- All requirements pertaining to a physician who diagnoses a child with ADHD and prescribes any non-Schedule II medication for its treatment.
- The requirement that a physician who prescribes a Schedule II controlled substance to treat ADHD in a child must provide an explanation of the method of diagnosis used, including the results of any tests or evaluations, information on alternative modes of treatment and a copy of informational materials prepared by DHFS pertaining to the assessment and treatment of ADHD.

Under the substitute amendment the sole requirement applicable to physicians is as follows:

- A physician who prescribes a Schedule II controlled substance for treatment of ADHD in a child must provide to the parent or guardian of the child or other adult with the child, and to the child if the child is 14 years old or older, a printed copy of the informational materials pertaining to the substance which have been prepared by DHFS on paper that is 8.5 x 11 inches in size.

As under the bill, a physician must obtain written certification from the parent or guardian of the child, or the adult to whom the information is provided, that the physician has provided all of the required information. Also, as under the bill, the substitute amendment provides that an allegation that a physician has failed to provide the required information or obtain the required certification is an allegation of unprofessional conduct. (It should be noted that under current law, which is not affected by the bill or the substitute amendment, any physician who treats a patient has a duty to provide the patient with information on alternative modes of treatment. See s. 448.30, Stats.)

**DPI**

Assembly Substitute Amendment 1 deletes the requirements of the bill applicable to DPI.

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